

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARCO ZALDIVAR, on Behalf of Himself  
and Others Similarly Situated,

Plaintiff,

v.

T-MOBILE USA, INC.,

Defendant.

No. C07-1695 RAJ

[PROPOSED] ORDER DENYING  
MOTION TO COMPEL ARBITRATION  
AND STAY CASE

NOTE ON MOTION CALENDAR:  
March 7, 2008

Oral Argument Requested

[PROPOSED] ORDER DENYING MOT.  
TO COMPEL ARBITRATION AND STAY CASE  
Case No. C07-1695 RAJ

001993-11 223544 V1



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1 THIS MATTER came before the Court on March 7, 2008 on Defendant T-Mobile USA,  
2 Inc's Motion to Compel Arbitration and Stay Case. After considering the pleadings and files on  
3 record, and after having been fully advised, the Court finds that Defendant's arbitration  
4 agreement is not valid and is unenforceable.

5 THEREFORE, IT IS HEREBY ORDERED, that Defendant's motion is DENIED in its  
6 entirety.

7 DATED this \_\_\_\_ day of \_\_\_\_\_, 2008  
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11 \_\_\_\_\_  
12 HON. RICHARD A. JONES  
13 UNITED STATES DISTRICT COURT JUDGE

14 Submitted By:

15 HAGENS BERMAN SOBOL SHAPIRO LLP

16 \_\_\_\_\_  
17 /s/ Steve W. Berman  
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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses registered, as denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/ Steve W. Berman  
STEVE W. BERMAN

## Mailing Information for a Case 2:07-cv-01695-RAJ

### Electronic Mail Notice List

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- (No manual recipients)